

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MALEEHA AHMAD, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:17-cv-2455 CDP
)	
CITY OF ST. LOUIS, MISSOURI,)	
)	
Defendant.)	

Plaintiffs' Corrected Motion for Show Cause Order

Under Federal Rule of Civil Procedure 45(e), Plaintiffs respectfully move for an order for non-party St. Louis County to show cause as to why it should not be held in contempt for its failure to respond to Plaintiffs' valid, properly served subpoena ducus tecum.

In accordance with E.D.Mo. L.R. 3.04, Plaintiffs' counsel certifies that she met and conferred with counsel for St. Louis County, Robert Fox, via telephone most recently **on June 12, 2019, at approximately 11 a.m.**, but after sincere, amiable efforts to resolve the dispute they were unable to timely reach an accord. Plaintiffs further state that:

1. On March 19, 2019, Plaintiffs caused a subpoena ducus tecum of the records custodian of the St. Louis County Police Department to be personally served upon the department. *See* Ex. 1, Subpoena; Ex. 2, Affidavit of Special Process Server. The subpoena gives a production deadline of April 2, 2019 (14 days from service of process).
2. Plaintiffs' counsel discussed the subpoena with counsel for St. Louis County police department, Robert Fox, on March 27 and April 1, via email and telephone. Counsel did not lodge any objections to the subpoena and has not requested that the subpoena be quashed or modified.

3. One of the categories of records responsive to the subpoena is emails. Upon acknowledgment of receipt, Mr. Fox requested that Plaintiffs suggest email search terms, which Plaintiffs' counsel promptly provided. St. Louis County counsel also requested additional time to comply with the subpoena, which Plaintiffs consented to.
4. On April 15, 2019, the undersigned Plaintiffs' counsel spoke with Mr. Fox in more detail about the County police department's email search capability. Mr. Fox said he would connect Plaintiffs' counsel directly with St. Louis County information technology, but that connection was not forthcoming.
5. On May 9, 2019, Mr. Fox called Plaintiffs' counsel and left a voicemail in which he stated that his office was still working on the subpoena.
6. On June 12, 2019, the undersigned Plaintiffs' counsel spoke with Mr. Fox via telephone and inquired about when and in what manner the County's obligations under the subpoena ducus tecum would be fulfilled. Plaintiffs' counsel told Mr. Fox that the discovery period had ended; that Plaintiffs had sought an extension of the compel deadline with the consent of Defendant City of St. Louis and the permission of the Court; and that the extended deadline was the following week. Although Mr. Fox stated that he and his colleagues were working to respond to the subpoena, he stated that the responsive emails were voluminous and he was unable to provide an estimate of when the production would be completed.
7. The records Plaintiffs seek from St. Louis County police department are relevant to their claims, but they have received no documents in response to their valid, timely and properly served subpoena ducus tecum.

WHEREFORE they respectfully request the Court issue an order to non-party St. Louis County, pursuant to Rule 45(e), to show cause why it should not be held in contempt for failing to comply with Plaintiffs' subpoena ducus tecum.

Respectfully submitted,

/s/ Jessie Steffan

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Certificate of Service

I certify that a copy of the foregoing was served via electronic mail and First Class mail upon Mr. Robert Fox, St. Louis County Counselor's Office, 41 S. Central Avenue, 9th Floor, Clayton, MO 63105, and was filed electronically and served by operation of the CM/ECF system on all counsel of record on June 17, 2019.

/s/ Jessie Steffan